

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BRACCO DIAGNOSTICS, INC.,	:	Civil Action No. 03-6025 (SRC)
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
AMERSHAM HEALTH INC.,	:	
et al.,	:	ORDER
	:	
Defendants.	:	
	:	

This matter having been opened to the Court upon Motion by Arnold B. Calmann, Esq., attorney for Plaintiff seeking Reconsideration of the Court's Order of August 30, 2005, which denied Plaintiff's informal application to compel Defendants to produce VALOR Trial-related documents [Docket Entry #89]; and Defendants objecting to Plaintiff's Motion for Reconsideration; and the Court having considered the arguments of the parties; and the Court finding that both parties have been limited to the amount of production they could obtain from their adversary regarding clinical trial related documents comparing two or more LOCM where there was not a direct comparison between Isovue and Visipaque, and that such discovery was limited to: (1) published articles, (2) protocols and (3) manuscripts [Docket Entry #'s 42 and 59]; and the Court further finding in spite of these limitations, Plaintiff has been provided with numerous documents by Defendants regarding the VALOR Trial that go beyond published articles, protocols and manuscripts; and the Court further finding that the VALOR Trial is not sufficiently related to the claims set forth by Plaintiff as to warrant reversal of this Court's previous Orders; and the Court further finding that Plaintiff has failed to provide any new evidence and/or fails to alleged any manifest errors of law or fact to support such a

reconsideration, as required pursuant to L.Civ.R. 7.1; and the Court further finding that limitations of the use of clinical trials not involving Isovue and Visipaque, such as the VICC and VALOR Trials shall be raised in the proposed Final Pretrial Orders and will be considered at that juncture; and the Court having considered this matter pursuant to FED.R.CIV.P. 78, and for good cause shown,

IT IS on this 27th day of October, 2005,

ORDERED that Plaintiff's Motion for Reconsideration is DENIED.

s/Tonianne J. Bongiovanni
HONORABLE TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE